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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,803	12/21/2001	Toshihiro Takahashi	111126	4007

25944 7590 02/03/2004

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EXAMINER

DO, AN H

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,803

Applicant(s)

TAKAHASHI ET AL.

Examiner

An H. Do

Art Unit

2853

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-3,8,9,11-15,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 4-7,10 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

The Amendment filed on 19 November 2003 has been acknowledged in Paper No. 11.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8, 9, 11-15, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Dwyer et al (US 6,557,992).

Dwyer et al discloses in Figures 1-4 a printer (10) with a photo stand (14, 16) that prints indicia (84) on a recording medium (80), comprising: a printer (10) having an outer surface (front face of the printer); a plurality of engagement portions (Figure 2, elements 50, 52); wherein the photo stand (14, 16) is detachably attached to the engagement portions (50, 52); the photo stand (14, 16) includes: a frame in which a middle portion is open (cutaway portion 38); a plurality of engaging protrusions (60, 62); and a photograph holding portion (64, 66) that is integrally formed to a base portion of each engagement protrusion and urges a photograph (84); a transparent panel (16) that covers a surface of the photograph so as to be able to be seen therethrough (Figure 3); and a rear panel (14) that holds the photograph with the transparent panel (16) from the

rear side of the frame; wherein the rear panel (14) includes a cutaway portion (28) that is formed by cutting away from one side so as to be opened with a substantially U-shape; the frame has convexly curved surface portions (see Figure 3); the engagement portions (50, 52) are formed in symmetric positions at a periphery of the printer (10).

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claims 21 and 22 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claim 21 is the inclusion of the limitation of wherein the photo stand includes an opening whose size is substantially the same as a size of a photograph. It is these limitations found in each of the claims, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Claims 4-7, 10 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, it is the combined limitation of wherein the frame is provided with a bottom portion that extends in a direction smaller than a right angle by a predetermined angle with respect to the frame, and the printer is inclined at the predetermined angle with respect to a direction perpendicular to an installed plane of the printer when the printer is attached with the photo stand having the bottom portion;

Regarding claim 5, it is the limitation of the surface of the printer to which the photo stand is to be attached is provided with protrusions at its upper and lower portions.

Regarding claim 7, it is the limitation of the engagement portions are formed in asymmetric positions at a periphery of the printer.

Regarding claim 10, it is the limitation of the frame is provided with a bottom portion that extends in a direction smaller than a right angle by a predetermined angle with respect to the frame.

Regarding claims 16 and 17, it is the limitation of the frame is provided with a bottom portion having a plurality of recessed portions formed in an upper surface of the bottom portion to receive feet of the printer when the photo stand is attached to the printer.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An H. Do whose telephone number is 703-308-0525. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on 703-308-4896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A handwritten signature in black ink, appearing to read 'An H. Do', followed by a horizontal line.

An H. Do
January 29, 2004